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600 One Summit Square
Fort Wayne, IN 46802

EXAMINER

RAPILLO, KRISTINE K

ART UNIT	PAPER NUMBER
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3626

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02/13/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/697,410	Applicant(s) HIGGINS, G. MICHAEL	
	Examiner KRISTINE K. RAPILLO	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment submitted June 30, 2008. Claims 1, 17, 31, and 38 are amended. Claims 1 – 46 are pending.

Drawings

2. The objections to the drawings are hereby withdrawn based upon the amendment submitted June 30, 2008.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1 – 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, independent claim 1 is directed toward both an apparatus and the method steps of using the apparatus, and are therefore considered to be indefinite under 35 U.S.C. 112, second paragraph - *Ex parte Lyell*, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990). For example, claim 1 contains the following indefinite language: “an automated method of evaluating an insurable risk and providing an immediate binding insurance offer to cover that risk, comprising the steps of: collecting self-reported information relating to the insurable risk from an applicant; providing the self-reported information and the objective information to an automated underwriting system.” The Applicant fails to tie the method to a particular machine (as per *In Re Bilski*). Claim 1 refers to a system, which can be construed as the overall process of the invention or a computer system. The Examiner recommends adding computer or computer components (i.e. server, processor) to the body of the claim to ensure clarity of the claim. Claims 2 – 16 are replete with the same or similar language.

Claim Rejections - 35 USC § 101

5. The 35 U.S.C. 101 objection is hereby withdrawn based upon the amendment submitted June 30, 2008.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 – 24, 26 – 33, 36 – 42, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lockwood (U.S. Patent No. 4,567,359) in view of Ryan et al., herein after Ryan (U.S. Publication No. 2003/0187768).

In regard to claim 1 (Currently Amended), Lockwood teaches an automated method of evaluating an insurable risk and providing an immediate binding insurance offer to cover that risk, comprising the steps of:

(a) collecting self-reported information relating to the insurable risk from an applicant (column 5, lines 7 – 9 and column 9, lines 13 - 25) where Lockwood discloses an invention in which a customer enters information using a touch pad;

(c) providing the self-reported information to an automated underwriting system (column 5, lines 9 – 13) - Lockwood discloses an automatic system for dispensing insurance quotations and policies (column 1, lines 8 – 10); and,

(d) using the automated underwriting system, evaluating and rating the insurable risk based on the self-reported information (column 7, lines 61 - 68).

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e. providing an insurance offer relating to a specific insurance product based on the rated insurable risk for review and acceptance by the applicant (column 7, lines 61 - 68).

Lockwood fails to teach an automated method comprising the steps of (b) collecting objective information relating to the insurable risk, (c) providing the objective information to an automated underwriting system, and (d) using the automated underwriting system, evaluating and rating the insurable risk based on the objective information.

Ryan teaches an automated method comprising the steps of (b) collecting objective information relating to the insurable risk from applicant (paragraph [0488] and [0773]) where the objective information is interpreted as a customers medical history or medical results determined from an examination, and c) providing the objective information to an automated underwriting system (Figures 35, 36, 41, 44, 55, and 64; paragraph and [0773]) where the online system requests permission from an applicant such that objective information can be provided to the insurance policy application, and (d) using the automated underwriting system, evaluating and rating the insurable risk based on the objective information (Figure 70; paragraph [0773]) where a quote of the premium for insurance is provided for the applicant based on the self reported information and objective information (Figures 22 - 69).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include an automated method comprising the steps of (b) collecting objective information relating to the insurable risk, (c) providing the objective information to an automated underwriting system, and (d) using the automated underwriting system, evaluating and rating the insurable risk based on the objective information as taught by Ryan, within the method of Lockwood, with the motivation of determining the risk of insuring an applicant based on information provided by the applicant and outside sources (paragraph [0486]).

In regard to claim 2 (Original), Lockwood and Ryan teach the automated method of Claim 1.

Ryan further teaches a method further comprising the step of obtaining, via electronic means, consent from the applicant to provide the self-reported and objective information to the automated underwriting system (Figures 36, 70, 129, 252, and 337; paragraphs [0486] and [0773]).

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The motivation to combine the teachings of Ryan and Lockwood is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 3 (Original), Lockwood and Ryan teach the automated method of Claim 1.

Ryan further teaches a method further comprising the step of producing a preliminary rate quote for the applicant based upon the self-reported information (Figures 68, 69, 104, 179, 180, 181, 201, 203, 227, and 346; paragraphs [0043], [0482], [0492], [0502], [0503], and [0613]).

The motivation to combine the teachings of Ryan and Lockwood is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 4 (Original), Lockwood and Ryan teach the automated method of Claim 1.

Ryan further teaches the automated method further comprising the step of obtaining electronic authorization from the applicant for the immediate release of objective information from at least one of a health care provider, pharmacy or pharmacy benefit manager, a consumer reporting agency and the Medical Information Bureau, and for evaluation of such objective information by the automated underwriting system (paragraph [0043]).

The motivation to combine the teachings of Ryan and Lockwood is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 5 (Original), Lockwood and Ryan teach the automated method of Claim 1.

Lockwood further teaches an automated method wherein the step of collecting the self-reported information includes providing information-gathering apparatus for use by an applicant in reporting the self-reported information (column 5, lines 56 – 65 and Figure 2).

In regard to claim 6 (Original), Lockwood and Ryan teach the automated method of Claim 5.

Lockwood further teaches an automated method wherein said information-gathering apparatus includes

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at least one of a keyboard, a display, a touch screen display, and a pointing device (column 4, lines 33 – 38).

In regard to claim 7 (Original), Lockwood and Ryan teach the automated method of Claim 5. Lockwood further teaches an automated method wherein the step of providing information-gathering apparatus includes providing an automated application to elicit self-reported information from the applicant (column 6, lines 51 – 65).

In regard to claim 8 (Original), Lockwood and Ryan teach the automated method of Claim 7.

Ryan further teaches a method wherein the automated application includes multiple screens and multiple levels for eliciting self-reported information from the applicant (Figures 22 - 61) where screen shots of multiple screens and levels of questions are illustrated for compiling applicant information.

The motivation to combine the teachings of Ryan and Lockwood is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 9 (Original), Lockwood and Ryan teach the automated method of Claim 8.

Ryan teaches a method wherein at least one of the screens presented to the applicant in at least one of the multiple levels is selected in response to information reported by the applicant in a preceding level (Figure 28 which prompts for tobacco product usage and Figure 29 which prompts for more detailed information).

The motivation to combine the teachings of Lockwood and Ryan is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 10 (Original), Lockwood and Ryan teach the automated method of Claim 1. Lockwood further teaches an automated method wherein the self-reported information includes at least one of applicant's age, address, citizenship, medical history, family medical history, nicotine usage,

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alcohol usage, drug usage, motor vehicle information, aviation information, and hazardous activities information (column 6, lines 53 – 56).

In regard to claim 11 (Original), Lockwood and Ryan teach the automated method of Claim 1. Lockwood further teaches an automated method wherein the objective information includes at least one of height and weight, blood pressure, pulse rate, blood cholesterol, blood glucose, evidence of drug usage, HIV exposure, tumor markers, evidence of tobacco usage, lung capacity, evidence of kidney disease, information from the Medical Information Bureau, information relating to prescribed drugs, consumer credit information, and motor vehicle information (column 8, lines 3 – 11; column 8, lines 15 - 19; column 8, lines 27 - 28) where Lockwood discloses collecting motor vehicle information (i.e. objective information).

In regard to claim 12 (Original), Lockwood and Ryan teach the automated method of Claim 1.

Ryan further teaches an automated method comprising the step of collecting information relating to a beneficiary of the insurance product (Figures 57, 58, 59, 60, 248, 326, and 328).

The motivation to combine the teachings of Ryan and Lockwood is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 13 (Original), Lockwood and Ryan teach the automated method of Claim 1.

Ryan further teaches an automated method further comprising the step of producing an immediate final rate quote for the applicant based upon the self-reported and objective information (Figures 18 and 67).

The motivation to combine the teachings of Ryan and Lockwood is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 14 (Original), Lockwood and Ryan teach the automated method of Claim 13.

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Ryan further teaches an automated method further comprising the step of providing an insurance application relating to the insurance product (Figures 22 - 68).

The motivation to combine the teachings of Ryan and Lockwood is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 15 (Original), Lockwood and Ryan teach the automated method of Claim 14. Lockwood further teaches an automated method comprising the step of collecting information relating to payment for the insurance product if the final rate quote is accepted by the applicant (column 5, lines 21 – 27 and column 7, lines 25 - 29).

In regard to claim 16 (Original), Lockwood and Ryan teach the automated method of Claim 14. Lockwood further teaches an automated method comprising the steps of obtaining an electronic signature from the applicant and producing a printed copy of the application and providing the copy to the applicant (column 7, lines 14 – 16 and column 7, lines 49 – 52). The Applicant's acceptance of the policy online is equated to an electronic signature.

In regard to claim 18 (Original), Lockwood and Ryan teach the system of Claim 17. Lockwood further teaches an automated method wherein said means for collecting self- reported information comprises an automated application and information-gathering apparatus, said apparatus comprising at least one of a keyboard, a display, a touch screen display, and a pointing device for use in entering information into the automated application (column 4, lines 33 – 38 and column 6, lines 51 – 65).

n regard to claim 27 (Original), Lockwood and Ryan teach the system of Claim 17. Lockwood further teaches an automated method wherein the means for collecting objective information comprises means for obtaining motor vehicle information (column 8, lines 15 – 19 and column 8, lines 27 – 28).

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In regard to claim 31 (Currently Amended), Lockwood teaches a system for evaluating an applicant for life insurance and for providing an immediate binding insurance offer for review and acceptance by the applicant, comprising:

(a) information collecting apparatus comprising a display, an automated life insurance application which can be viewed by the applicant using the display, and an input device for use by the applicant in entering self-reported information (column 5, lines 7 – 27);

(c) a processor for hosting a life insurance underwriting program (column 4, lines 1 – 6; column 5, lines 37 – 55; and Figure 2);

(d) means for inputting information from the apparatus for collecting self-reported information from said one or more stations to the processor for use by the life insurance underwriting program (column 5, lines 37 – 55 and Figure 1);

(e) means for displaying to the applicant at least one of a preliminary quote based upon the self-reported information and a final quote based upon the self-reported information and the objective information (column 5, line 66 through column 6, line 33); and

(f) an input device for use by the applicant in acknowledging at least one of the preliminary and final quotes (column 5, lines 7 – 27; and, column 5, line 66 through column 6, lines 33).

Lockwood fails to teach a system comprising (b) one or more stations for collecting objective information from the applicant, and (d) means for inputting information from the apparatus for collecting the objective information from said one or more stations to the processor for use by the life insurance underwriting program,

Ryan teaches a system comprising (b) one or more stations for collecting objective information from the applicant (Figures 35, 36, 41, 44, 55, and 63; paragraphs [0004] and [0773]) and (d) means for inputting information from the apparatus for collecting the objective information from said one or more stations to the processor for use by the life insurance underwriting program (Figure 70; paragraphs [0004] and [0773]).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system comprising (d) means for inputting information from the

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apparatus for collecting the objective information from said one or more stations to the processor for use by the life insurance underwriting program as taught by Ryan with the motivation of providing applicant, outside sources (such as a health care provider), and/or an insurance agent with a tool, such as a computer, to efficiently process insurance applications (paragraphs [0038], [0039], and [0040]).

In regard to claim 32 (Original), Lockwood and Ryan teach the system of Claim 31.

Ryan further teaches a system wherein said life insurance underwriting program provides an insurance application for review and acceptance by the applicant (Figures 22 -68) where after review of data (i.e. quote) the Applicant can accept or reject the quote as illustrated in Figure 68.

The motivation to combine the teachings of Ryan and Lockwood is discussed in the rejection of claim 31, and incorporated herein.

In regard to claim 36 (Original), Lockwood and Ryan teach the system of Claim 31. Lockwood further teaches a system wherein said one or more stations for collecting objective information from the applicant include means for obtaining consumer credit information (column 8, lines 3 – 11).

In regard to claim 37 (Original), Lockwood and Ryan teach the system of Claim 31. Lockwood further teaches a system wherein said one or more stations for collecting objective information from the applicant include means for obtaining motor vehicle information (column 8, lines 15 – 19 and column 8, lines 27 – 28).

System claims 17, 19 – 24, 26, 28 – 30, and 33 repeat the subject matter of method claims 1, 3 – 4, 8 – 11, 13 – 14, and 16. As the underlying processes of method claims 1, 3 – 4, 8 – 11, 13 – 14, and 16 have been shown to be fully disclosed by the teachings of Lockwood and Ryan in the above rejections of claims 1, 3 – 4, 8 – 11, 13 – 14, and 16; as such, these limitations (system claims 17, 19 – 24, 26, 28 –

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30, and 33) are rejected for the same reasons given above for method claims 1, 3 – 4, 8 – 11, 13 – 14, and 16 and incorporated herein.

8. Claims 25, 35, and 43 - 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lockwood (U.S. Patent Number 4,567,359) and Ryan et al., herein after Ryan (U.S. Publication Number 2003/0187768), and further in view of Maus et al., herein after Maus (U.S. Patent Number 7,092,891).

In regard to claim 25 (Original), Lockwood and Ryan teach the system of Claim 17. Ryan further teaches a system with the means of collecting objective information (paragraph [0004] and [0773]; Figures 35, 36, 41, 44, 55, 63, and 70). Lockwood and Ryan fail to teach a system wherein the means for collecting objective information comprises means for obtaining information relating to prescribed drugs.

Maus teaches a system wherein the means for collecting objective information comprises means for obtaining information relating to prescribed drugs (Figure 2; column 3, line 63 through column 4, line 12) where it would be obvious to initiate or allow communication between the physicians server and the system (computer) described by Ryan to provide objective information.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system wherein the means for collecting objective information comprises means for obtaining information relating to prescribed drugs as taught by Maus, within the system of Lockwood and Ryan, with the motivation of providing objective information using an apparatus to collect information in an efficient manner (column 2, lines 60 – 66).

System claim 35 repeats the subject matter of system claim 25. As the underlying processes of system claim 25 have been shown to be fully disclosed by the teachings of Lockwood and Ryan in the above rejections of claim 25; as such, these limitations (system claim 35) are rejected for the same reasons given above for system claim 25 and incorporated herein.

9. Claims 38 – 40 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lockwood (U.S. Patent Number 4,567,359) in view of Zander et al., herein after Zander (U.S. Publication Number 2003/0208385).

In regard to claim 38 (Currently Amended), Lockwood teaches a computer-based system for capturing data at a point of sale relating to mortality or morbidity risk assessment and a related insurance product, said system comprising:

- a processor (column 4, lines 1 – 6; column 5, lines 37 – 55; and Figure 2);
- a memory (column 5, lines 37 – 55; and, Figure 2); an
- input device connected to the processor for use in entering data relating to an applicant, including the applicant's age, for storage in the memory (column 5, lines 7 - 55);
- a plurality of stations for collecting objective medical and/or physical data relating to the applicant (column 4, lines 17 - 20); and
- data communications link connecting the stations to the processor (column 4, lines 17 - 23);
- wherein said processor is programmed to receive the objective medical and/or physical data via the data communications links, and to store the received objective medical and/or physical data in the memory (Figure 2).

Lockwood fails to teach a system for capturing data relating to mortality or morbidity risk assessment.

Zander teaches a system for capturing data relating to mortality or morbidity risk assessment (paragraphs [0030] and [0035]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system for capturing data relating to mortality or morbidity risk assessment as taught by Zander, within the system of Lockwood, with the motivation of providing an electronic system to receive information regarding an applicant and applying applicant ratings, including mortality (paragraphs [0008] and [0009]).

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In regard to claim 39 (Original), Lockwood and Zander teach the system of Claim 38. Zander further teaches a system further comprising a risk assessment program for assessing a mortality or morbidity insurance risk using the stored data in the memory (paragraph [0072]).

The motivation to combine the teachings of Lockwood and Zander is discussed in the rejection of claim 38, and incorporated herein.

In regard to claim 40 (Original), Lockwood and Ryan teach the system of Claim 38. Lockwood further teaches a system comprising a data communication link for use by the processor in transmitting the data stored in the memory (column 4, lines 1 - 16).

Lockwood fails to teach a mortality or morbidity risk assessment system, and for receiving a risk assessment from the remote mortality or morbidity risk assessment system.

Zander teaches a mortality or morbidity risk assessment system, and for receiving a risk assessment from the remote mortality or morbidity risk assessment system (paragraph [0032]).

The motivation to combine the teachings of Lockwood and Zander is discussed in the rejection of claim 38, and incorporated herein.

In regard to claim 42 (Original), Lockwood and Zander teach the system of Claim 38. Lockwood further teaches a system wherein said data communications link comprises a wired or wireless data communications link (column 4, lines 1 - 16).

10. Claims 41 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lockwood (U.S. Patent Number 4,567,359) in view of Zander et al., herein after Zander (U.S. Publication Number 2003/0208385) further in view of Ryan et al., herein after Ryan (U.S. Publication Number 2003/0187768).

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In regard to claim 41 (Original), Lockwood and Zander teach the system of Claim 38. Lockwood teaches a system further comprising means for receiving an electronic signature of the applicant (column 7, lines 14 – 16 and column 7, lines 49 - 52) where the applicant's acceptance of the policy, online, is equated to an electronic signature.

Lockwood and Zander fail to teach a system comprising program means for generating a life insurance policy using the information stored in the memory, and means for confirming an identity of the applicant.

Ryan teaches a system comprising program means for generating a life insurance policy using the information stored in the memory (paragraph [0488]), and means for confirming an identity of the applicant (Figure 21) where a log in screen and password demonstrate confirmation of the identity of the applicant.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system comprising program means for generating a life insurance policy using the information stored in the memory, and means for confirming an identity of the applicant as taught by Ryan, within the system of Lockwood and Zander, with the motivation of determining the risk of insuring an applicant based on information provided by the applicant and outside sources (paragraph [0486]).

In regard to claim 46 (Original), Lockwood and Zander teach the system according to Claim 39. Lockwood further teaches an expert (column 4, lines 52 – 63; column 5, lines 56 – 65; and column 6, lines 24 – 32). Lockwood and Zander fail to teach a system wherein said insurance risk assessment program includes at least one expert system.

Ryan teaches an insurance risk assessment program (paragraph [0495]).

The motivation to combine the teachings of Lockwood, Zander, and Ryan is discussed in the rejection of claim 41, and incorporated herein.

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11. Claims 41 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lockwood (U.S. Patent Number 4,567,359) in view of Zander et al., herein after Zander (U.S. Publication Number 2003/0208385) further in view of Maus et al., herein after Maus (U.S. Patent Number 7,092,891).

In regard to claim 43 (Original), Lockwood and Zander teach the system of Claim 38. Lockwood and Zander fail to teach a system wherein at least one of the plurality of stations includes apparatus for analyzing at least one of saliva, blood, urine and hair samples.

Maus teaches a system wherein at least one of the plurality of stations includes apparatus for analyzing at least one of saliva, blood, urine and hair samples (column 7, lines 30 – 41).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system wherein at least one of the plurality of stations includes apparatus for analyzing at least one of saliva, blood, urine and hair samples as taught by Maus, within the system of Lockwood and Zander, with the motivation of providing objective information using an apparatus to collect information in an efficient manner (column 2, lines 60 – 66).

In regard to claim 44 (Original), Lockwood and Zander teach the system according to Claim 38. Lockwood and Zander fail to teach a system wherein at least one of the plurality of stations includes at least one of an apparatus for measuring blood cholesterol, blood glucose, blood pressure, heart rate, lung capacity, weight and height.

Maus teaches a system wherein at least one of the plurality of stations includes at least one of an apparatus for measuring blood cholesterol, blood glucose, blood pressure, heart rate, lung capacity, weight and height (column 3, lines 30 – 47 and column 13, line 58 through column 14, line 5) where the data can be transmitted wirelessly or hard wired.

The motivation to combine the teachings of Lockwood, Zander, and Maus is discussed in the rejection of claim 43, and incorporated herein.

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In regard to claim 45 (Original), Lockwood and Zander teach the system according to Claim 38. Lockwood and Zander fail to teach a system wherein at least one of the plurality of stations includes at least one of apparatus for detecting drug usage, tobacco usage, tumor markers, exposure to HIV and kidney disease.

Maus teaches a system wherein at least one of the plurality of stations includes at least one of apparatus for detecting drug usage, tobacco usage, tumor markers, exposure to HIV and kidney disease (column 3, lines 16 – 47).

The motivation to combine the teachings of Lockwood, Zander, and Maus are discussed in the rejection of claim 43, and incorporated herein.

Response to Arguments

12. Applicant's arguments filed June 30, 2008 have been fully considered but they are not persuasive. Applicant's arguments will be addressed herein below in the order in which they appear in the response filed June 30, 2008.

In response to the Applicant's arguments regarding claims 1, 2, 4, 12, 17, 25, and 31, it is respectfully submitted that the Examiner has applied new prior art; as such, Applicant's remarks with the regard to the application of Lockwood, Foutz, Ryan, and DeTore are moot with the application of the Zander and Maus references.

13. In regard to claims 33, 36, and 37, the Examiner agrees that the incorrect references were cited. New prior art has been applied to these claims.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINE K. RAPILLO whose telephone number is (571)270-3325. The examiner can normally be reached on Monday to Thursday 6:30 am to 4 pm Eastern Time.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KKR

/C Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626